

United States District Court  
Eastern District of Michigan

United States of America,

Plaintiff,

No. 20-mj-30487

v.

Hon. Patricia T. Morris

Kaden Gilbert,

Defendant,

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**Stipulation and Proposed Order Extending the  
Preliminary Hearing and Time in which an Indictment  
Must be Returned and Finding Excludable Delay**

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The parties jointly submit this stipulation and request that the Court order the time period in which an indictment must be returned be continued to August 6, 2021, and find that the ends of justice served by this continuance outweigh the best interests of the defendant and the public in a speedy indictment.

Ordinarily, an indictment must be returned within thirty days from the date on which a defendant is arrested on a complaint. 18 U.S.C. § 3161(b). That period may be continued by the Court, however, and under some circumstances the resulting period of delay may be found to be excludable delay for purposes of the 30-day clock of § 3161(b). 18 U.S.C. § 3161(h)(7)(A). Defendant had her first appearance on November 19, 2020. The date in which to indict was stayed

temporarily in this case due to defendant's motion for a competency exam which has now been withdrawn. Later, the parties agreed to extend the dates for the preliminary hearing and time in which to indict to June 22, 2021.

The parties jointly request that the preliminary hearing scheduled be adjourned and the Court continue the preliminary hearing and the period in which an indictment must be returned to August 6, 2021, because the government recently received additional discovery materials in the case, namely two crime lab reports involving DNA, *See* 18 U.S.C. § 3161(h)(7)(B)(iii). Further both parties need additional time to analyze the reports and prepare for the preliminary hearing.

The parties request that the Court continue the time for indictment as requested on an independent basis under the ends-of-justice provision for the reasons set forth above.

The parties further stipulate and request that the Court find that, in light of the factors set forth in § 3161(h)(7)(B), the ends of justice served by this continuance outweigh the best interests of the defendant and the public in a speedy indictment, and that such time should therefore be excluded from the time within which an indictment must be filed. *See* 18 U.S.C. § 3161(h)(7)(A) (allowing for periods of excludable delay); *see also* [Administrative Order 20-AO-39](#) (excluding time resulting from adjournments in criminal matters “during the time of the spread of ... COVID-19” and finding that “[t]he unprecedented and exigent circumstances

created by COVID-19 and related coronavirus health conditions have created a health emergency throughout the United States and numerous foreign countries that has resulted in widespread societal disruption.”).

Respectfully submitted,

SAIMA S. MOHSIN  
Acting United States Attorney

*s/Roy R. Kranz*

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*s/Bryan Sherer (w/consent)*

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United States District Court  
Eastern District of Michigan

United States of America,

Plaintiff,

No. 20-mj-30487

v.

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Kaden Gilbert,

Defendant,

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**Order Adjourning the Preliminary Hearing and Continuing the  
Time in Which an Indictment or Information Must be  
Filed and Finding Excludable Delay**

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The Court has considered the parties' stipulation and joint motion to continue the preliminary hearing and the time period in which an indictment must be filed until August 6, 2021 and hereby grants that request. For the reasons described in the parties' submission, the Court specifically finds that there is discovery that is not likely to be completed and available until after the current date set for the preliminary hearing in the case. The Court further finds that failure to grant a continuance would likely make a continuation of the proceeding impossible, or result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

IT IS FURTHER ORDERED that the time period from June 22, 2021 to August 6, 2021 shall constitute excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), because the Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED that the preliminary hearing be adjourned and the time in which the government must return an indictment is extended and that the following deadlines will apply to these proceedings:

**Preliminary hearing: August 6, 2021**

**Time in Which to Indict: August 6, 2021**

s/ Patricia T. Morris  
Hon. Patricia T. Morris  
United States Magistrate Judge

Entered: June 14, 2021